

Policy and Sustainability Committee

10:00am, Tuesday 1 October 2019

Sickness Absence Policy

Item number
Executive/routine
Wards
Council Commitments

1. Recommendations

1.1 To approve the updated Sickness Absence Policy

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Sickness Absence Policy

2. Executive Summary

- 2.1 The Sickness Absence Policy sets out the principles and methods through which sickness absence is managed. The focus of the policy is on supporting colleagues to remain healthy and encouraging all our employees to engage with the range of initiatives and support available. Alongside the wider wellbeing strategy, our aim is to tackle the underlying causes of sickness and reduce the adverse impact of sickness absence on colleagues and service delivery.
- 2.2 This updated policy will replace the current Sickness Absence Policy, which was approved at Committee on 27 March 2018.

3. Background

- 3.1 The current Sickness Absence Policy was approved by the Finance and Resources Committee on 27 March 2018 and became effective from 1 October 2018.
- 3.2 It was agreed that a report would be brought to Committee 12 months after implementation to review its impact and make any further recommendations for potential improvement.
- 3.3 Feedback surrounding policy application and effectiveness and has been collected from a number of sources, including our recognised Trade Unions and Human Resources, who work closely with colleagues across the organisation. Revisions have been made to policy and supporting documentation accordingly.

4. Main report

- 4.1 The current Sickness Absence Policy represented a progressive change in approach to the management of sickness absence compared to previous policy. Central to this was a focus on a more supportive and proactive approach to managing sickness absence.
- 4.2 Overall, feedback indicates that the impact of changes introduced in October 2018 were broadly positive, in particular that the style, tone and preventative focus supported the cultural objectives of the policy. We have also seen a greater uptake of our employee assistance programme.

- 4.3 Notwithstanding, qualitative feedback gathered from stakeholders indicated a need for further clarity and improvement to the policy.
- 4.4 The policy has been redesigned so that the structure is more concise, logical and clearer for user(s) to follow. The supportive focus has been reinforced, as well as the call for colleagues to think proactively about how they can engage with resources and initiatives available to them to support their overall wellbeing. Supporting guidance has also been updated to reflect and complement the changes.
- 4.5 The current policy removed the scope for line managers to apply discretion in application of the formal stages of the policy, and instead listed a number of 'exceptional circumstances' where formal stages would not apply. The aim was to ensure more consistency in application of the policy. However, in practice this has led to decisions to progress to formal absence stages when a more supportive approach would have been more appropriate. Similarly, the exceptional circumstances listed have proven to be too prescriptive in practice to enable reasoned decision-making to be applied.
- 4.6 Consequently, the revised policy reintroduces scope for managers to take individual circumstance into account so that sensible and contextual decisions can be made where circumstances require.
- 4.7 Examples of such situations have been provided within the policy.
- 4.8 The concept of triggers, which has a punitive inference, has been replaced by the introduction of absence thresholds. This is to encourage managers to have early conversations with colleagues before absence levels become excessive.
- 4.9 Feedback indicates that the introduction of both 6-month and 12-month measurement periods for short term sickness absence is confusing for both managers and employees. The policy therefore applies a 12-month measurement period for all thresholds. In addition, it was also considered punitive to withhold an annual pay step for those on formal stages of absence and this has been removed.

5. Next Steps

- 5.1 An implementation plan will be put into effect, commencing with the update of training modules and materials both for employees and line managers.

6. Financial impact

- 6.1 There is no material impact arising from this report.

7. Stakeholder/Community Impact

- 7.1 The policy meets our legal obligations in relation to formal consultation.

- 7.2 The policy applies to all employees and is explicit in the consistency of its application.
- 7.3 Further to formal consultation, this policy has been assessed for possible impacts on vulnerable groups, people with protected characteristics, equality and human rights and economic factors as part of our integrated impact assessment.

8. Background reading/external references

- 8.1 [Sickness Absence Policy – Finance and Resources Committee 27 March 2018:](#)

9. Appendices

N/A

Sickness Absence Policy

The Council (we) recognise that some absence due to sickness is inevitable. Our approach to absence management is based on a starting assumption of trust between managers and employees, and we are committed to supporting employees in a consistent, fair and sympathetic way. The sickness absence policy sets out the principles and methods through which absence is managed but is also just one part of a broader strategy to establish a healthy workplace. Our focus is on supporting you to remain healthy and encouraging all our employees to engage with the range of initiatives and support available. Our aim is to tackle the underlying causes of sickness and reduce the adverse impact of sickness absence on employees and on service delivery.

Author

Employee Relations, Human Resources,
Resources Directorate.

Scope

This policy applies to all Council employees.

Purpose

The purpose of this policy is to set out how we will manage sickness absence across the organisation, and ensure that you know what is expected of you and what measures can be put in place to support you when you are absent from work with an illness.

Review

The policy will be reviewed as and when a change to the existing policy deems this necessary, primarily as a result of: changes to legislation or statute; agreement of new national terms and conditions of service or Government Policy; organisational change; or resulting from changes agreed through Trade Union Consultation.

Local Agreement

This policy is a local collective agreement between the Council and our recognised Trade Unions. We will make every effort to ensure that it is maintained as a local collective agreement. Any changes will be made by agreement. If we cannot agree, either party can end the local collective agreement by giving four months' notice in writing, with the policy ceasing to apply to staff at the end of that period.

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1. Health and wellbeing

We want to encourage you to adopt and pursue healthy lifestyle options that can contribute to your overall wellbeing and support lower levels of sickness absence. We aim to achieve this partly through the policies we have in place and by considering medical advice where relevant but, as importantly, through your active participation in health and wellbeing initiatives available to you.

There are times when we all need extra support, and our Employee Assistance Programme is a free and confidential service that’s available to all colleagues. This offers a wide range of services, including but not limited to: counselling, advice on personal issues, work-related issues, debt management, and legal issues. They also provide specific advice for managers in supporting working relationships. If you notice you’re not quite yourself you don’t have to wait until you’re off, take early steps to seek help and support.

We also provide employee benefit choices that encourage a fit and active lifestyle, such as active travel, bike to work schemes and gym membership discounts. It’s important that you play a key role in your own wellbeing and we encourage you to take full advantage of what’s on offer both within and outside of work.

We are an equal opportunities employer and commit to supporting employees with disabilities. This may involve making reasonable adjustments to the role that is being undertaken. We recognise that a disability is not necessarily a physical limitation that can be addressed with additional equipment and we are committed to fully exploring all options available to ensure that you feel supported in relation to how your attendance is being managed.

If you are absent with, or diagnosed with, stress-related ill-health talk to your manager about this and they will help you to complete a stress risk assessment and action plan. It’s important to identify the underlying issues and to try to put together steps to resolve this wherever possible. Further information is available in the Stress Management policy.

2. Managing sickness absence

Notification of sickness absence

If you can't come to work because you're sick, you need to phone your manager to let them know. You should do this as soon as you can, and certainly no later than the time you're due to start work. You would normally need to contact your manager each day you're off. However, if it's clear that your absence is likely to last for more than one day, you should explain this to your manager and agree the appropriate timeframe for making contact, and what form the contact should take.

If your absence continues beyond 7 calendar days, you need to get a fit note from your GP. You don't need to continue to notify your manager daily once you have provided a fit note, although you and your line manager should agree appropriate contact arrangements..

If your absence isn't supported by a fit note, or you don't follow the notification procedure, your manager will make all reasonable efforts to contact you to check that you're okay. For this reason it's important you provide your manager with emergency contact details. If we're unable to make contact we may also visit you at home to make sure nothing serious has happened. While mitigating factors will be taken into account, if you don't make contact this could be viewed as unauthorised absence, which means you won't get paid while you are off and may lead to disciplinary action being taken. The steps a manager should follow before recording an absence as unauthorised are detailed in the Sickness Absence User Guide.

Medical appointments

If you need to attend medical appointments, including emergency appointments or those externally mandated (such as hospital/specialist referrals), we provide reasonable time off. Further information regarding leave available for medical appointments can be found in the Special Leave Policy and in the Sickness Absence User Guide.

Sickness absence categories

We apply two specific categories to sickness absence, which often determines the way in which it is measured and managed. These are:

- **Short-term sickness absence:** Absences of less than 4 continuous weeks.
- **Long-term sickness absence:** Absences of 4 continuous weeks or more.

Care should be taken to ensure that other forms of absence, such as those covered in the Special Leave Policy, are not recorded as sickness.

Talking and listening

We manage sickness absence through a series of informal and formal conversations between you and your manager, both during and following a period of absence. This is so we can better understand the nature of your absence and decide how we might best be able to support you at work. Equally, this will help you understand how to engage with any support that's available to you.

This applies equally to ill-health that hasn't yet resulted in absence. Preventative action can often significantly reduce the impact of emerging ill-health at work, so if you're experiencing health difficulties you're encouraged to talk openly and honestly with your manager so that we can understand how to support you at work and hopefully avoid any future absence.

Your manager will review your sickness absence level on a rolling basis and may need to have a series of more formal meetings with you, depending on the circumstances. Specific levels of absence would normally prompt these conversations, as outlined in Section 3 below.

Working in partnership with Occupational Health

In certain circumstances, we might ask you to attend our Occupational Health providers who are best placed to provide us with the specialist advice we may need to be able to support you. If your fit note or Occupational Health report mentions any reasonable adjustments that could potentially be made to support you at work, we will consider that advice. There is more information about reasonable adjustments in the Sickness Absence User Guide.

If you're asked to attend Occupational Health, your manager will meet with you in advance to explain why we need to seek additional medical advice. This could be before, during, or after a period of absence.

We would strongly encourage you to attend Occupational Health if your manager feels it's necessary. You won't be referred without your consent, but if you decline your absence will continue to be managed based on the information available, which may then not include important medical advice.

Medical Redeployment

If we can't make any reasonable adjustments to support your return to work, or to help you reach a sustained level of attendance in your current role, we will also consider medical redeployment. If appropriate, your manager will seek advice from Occupational Health to find out what suitable alternative work you might be able to do, and then work with you for a period of three months to see if any vacancies might be suitable. Your engagement in this process will be crucial and your manager will help you with this, assisted by Human Resources. The Sickness Absence User Guide provides further guidance.

3. Sickness absence thresholds

While we're committed to providing support to colleagues who are experiencing health difficulties, where sickness absence reaches certain levels we often need to manage this through a more formal process.

Your manager will determine the most appropriate way of managing your absence by referring to a number of sickness absence thresholds, outlined in the table below.

Short-term absence thresholds	Employee should not exceed thresholds again within
3 instances of sickness absence in a 12-month period	12 months
or	
8 days of sickness absence in a 12-month period	12 months

Long-term absence threshold	Employee should not exceed threshold again within
4 weeks of continuous sickness absence in a 12-month period	12 months

What happens when you reach a threshold?

Whenever you're off work due to sickness, your manager will look at the number of instances and days you've been off sick in the past 12 months to check whether you've reached or exceeded any of the absence thresholds.

If your sickness absence reaches any of the threshold levels, your manager will discuss this with you at a return to work conversation (or by other appropriate means if you are still off work) to make you aware you've reached a threshold and to explain what this means. If you exceed a threshold before your manager has an opportunity to discuss this with you (in a single absence for example), they may choose to proceed straight to a formal absence meeting.

If you exceed a threshold (i.e. more than 3 instances/8 days of short-term absence, or more than 4 weeks of continuous long-term absence in a 12-month period), in most cases your manager will arrange a formal absence meeting with you. Progression to a formal absence meeting will typically be automatic, although your manager will take into consideration the specific circumstances and may choose not to proceed to a formal meeting. For example:

- where an absence relates to a 'one off' situation, such as a surgical intervention;
- where an absence is related to a critical illness; or
- where, up to that point, the employee had a consistently exceptional attendance record.

This list is only indicative and doesn't mean all such situations would be excluded from the formal absence management process. It's vital that individual circumstances are considered so that sensible and contextual decisions can be reached, and there may be other situations where your manager chooses not to progress to a formal absence meeting.

If you have any queries about the application of discretion you can speak to askHR.

Please read the guidance available on the Orb surrounding various types of support that may be required in specific circumstances, for example where colleagues are experiencing symptoms of the Menopause, are undergoing gender reassignment, or in cases of terminal illness.

There are situations where the formal stages of the absence management process would not be applied, and any medical referrals would only be to assist with your wellbeing. These include:

- where the absence relates to a terminal illness;
- where the absence relates to a previously unknown pregnancy; and
- if we find out that the absence relates to a domestic abuse issue.

In these cases, your manager will still arrange regular conversations with you so that you can keep each other updated. The frequency and method of keeping in touch should be mutually agreed, but it's important that both you and your manager do everything you can to ensure effective communication is in place.

Pattern Absence

If you haven't reached one of the threshold levels but there is a regular pattern to your absence, your manager will discuss this with you and may need to arrange a formal absence meeting if this is becoming

problematic. Examples of pattern absences could be where you're frequently off after annual leave, after certain events, or on specific days (such as Friday / Monday). We recognise that patterns can be coincidental, or may even be indicative of other underlying issues, so these conversations will always be approached from a supportive position.

Disability

If you have a disability that is affecting your attendance at work, serious consideration will be given to increasing the threshold levels as a reasonable adjustment where the absences relate to the disability. There is more information about reasonable adjustments in the Sickness Absence User Guide.

Thresholds following a formal Absence Meeting

If you've had a formal sickness absence meeting with your manager, the thresholds are reset and you would only proceed to the next formal absence meeting if you exceed any of the thresholds again over the following 12 months or if a long term absence continues to the next review point (see the Sickness Absence User Guide for details). If you're absent before attending a scheduled formal absence meeting, the meeting will be rearranged and the total instances or days will be taken into account.

4. Conversations and formal absence meetings

Short-term sickness absence

Regular conversations

After each instance of short-term absence, your manager will have an informal meeting with you when you return to work. The aim of this return to work conversation is to support your wellbeing by ensuring you're well enough to be back at work, and to explore any possible underlying health issues or barriers to you achieving sustained levels of attendance.

If the absence means you reach one of the short-term thresholds, your manager will also make you aware of this during the conversation.

Formal Meetings

There are normally three formal meetings in the short-term absence management process (further details are available in the Sickness Absence User Guide). As explained in Section 3 of this policy, you will normally be invited to a formal absence meeting once your absence has exceeded any of the short-term thresholds.

At each meeting, your manager will discuss your absence record with you, covering anything that might have affected your attendance levels, whether you have reached or exceeded a threshold, and whether there are any underlying health issues.

If appropriate, and if advised by Occupational Health, short-term absence meetings may also include discussions around potential medical redeployment or ill-health retirement (if you are a member of the pension scheme – see Section 5).

Long-term sickness absence

Regular conversations

If you are on long-term sickness absence, your manager will seek to agree levels of face-to-face and/or telephone contact with you. This is to allow you to keep each other informed about your state of health, your progress towards recovery and a possible return to work. Your long-term absence should be reviewed and informally discussed with you initially within the first four weeks, then at regular intervals.

Formal meetings

There are normally three formal meetings in the long-term absence process (further details are available in the Sickness Absence User Guide). At each meeting, your manager will discuss how you are feeling, current medical/specialist advice, when you might be able to return to work, and any adjustments that might be made to assist your return. If appropriate, and if advised by Occupational Health, your manager may also talk to you about medical redeployment or ill-health retirement (see Section 5 for further details).

Face-to-face meetings can take place in the office, at another convenient site, or in your own home, as agreed with you.

Depending on the reason for your absence, your manager may make a referral to Occupational Health at any time during the absence to get medical advice in relation to your fitness to return to work. Your manager will always discuss the referral with you and provide you with a copy before you attend.

Returning from long-term sickness absence

You're expected to return to work when your last fit note expires. In some circumstances, you can return to work before your fit note expires, as long as your GP has not indicated that they need to see you again before you return, and your manager is confident that you are fit to return.

When you return from a period of long-term sickness absence, your manager will meet you in private to talk about the absence, find out how you are and discuss any support that you may need. This meeting should take place on your first day back. If this isn't possible, your manager will ensure that a supportive meeting takes place as soon as is reasonably possible. Where a phased return or reasonable adjustments are likely to be necessary, it is recommended that a meeting is held in advance of the planned return.

You will never be put under pressure to return to work before you're fit to do so. It's important for you to be honest with your manager about how you are feeling and to explore any support we may be able to provide. Ideally, this meeting will be face-to-face. We know this isn't always possible, but it is important to try and meet this way. As a support measure, you may wish to be accompanied by a work colleague or trade union representative if you are a member of a trade union.

Phased returns after long-term sickness absence

Your GP or Occupational Health may suggest a phased return to work following long-term absence. If this is agreed, then this will normally take place over a four-week period. During the four weeks, you must build up the time you are at work in each week. A longer phased return would be considered if medical advice strongly recommended this, and if it is likely to facilitate an earlier return to work.

During a phased return, the time you are not at work is paid at full pay and is not taken off your annual leave.

Combined short-term and long-term absence

Occasionally, you might reach thresholds with a mixture of long and short-term absence. When this happens, your manager will continue to manage your sickness absence and you will still progress through the appropriate sickness absence process.

If you've already attended a formal absence meeting in one process and you subsequently exceed the threshold for the other, you will move to the next stage in that process. For example:

- If you've had a short-term Absence Meeting 1 and later exceed the long-term threshold during a separate period of absence, you would move to long-term Absence Meeting 2.

It's important to note that Absence Meeting 3 is the final meeting for both short and long-term absence.

Right to accompaniment

You have the right to be accompanied by a trade union representative or a workplace colleague at any formal absence meeting.

Teachers

Teachers' absence will continue to be managed until their entitlement to sick pay has run out. Managers will not be able to have a final absence meeting until the teacher is no longer receiving sick pay.

5. Capability and ill-health retirement

Capability dismissal

If it's decided following an Absence Meeting 3 that there's nothing more can be done to help you return to work, or that your short term absence levels are no longer sustainable, then it's possible you will be dismissed on the grounds of capability due to ill-health. This decision would only be taken after all mitigating factors, reasonable adjustments and redeployment possibilities had been explored. Note that Absence Meeting 3 can only be held by a senior manager with the authority to dismiss.

If you are dismissed on the grounds of capability due to ill-health, you will receive payment for any outstanding annual leave you have, as well as payment in lieu of notice.

Teachers cannot be dismissed until their entitlement to sick pay has run out. Managers need to check that teachers are out of pay before they proceed to dismissal for unsustainable levels of sickness absence.

Ill-health retirement (pension scheme members only)

If you are a member of a pension scheme (LGPS/STSS), below normal retirement age, and advice from Occupational Health is that you are permanently unfit to carry out the duties of your post, you may be dismissed on the grounds of capability due to ill-health with access to pension benefits. This is known as ill-health retirement.

The pension benefits you would be able to access through ill-health retirement will vary depending on whether, according to medical advice gathered by Occupational Health, you are likely to be able to work again before your normal retirement age. Details of the relevant pension benefits levels are outlined in the Sickness Absence User Guide.

If you have evidence from your GP or a specialist, disagreeing with occupational health's advice, a senior manager will review your case with help from Human Resources. We may get another independent medical opinion to help us reach our decision. See the Sickness Absence User Guide for further details.

Right to appeal against capability dismissal

You have the right to appeal against any decision to dismiss you on the grounds of capability due to ill-health. Your right to appeal will be explained to you in the letter confirming your dismissal. Appeals are heard by the Personnel Appeals Committee.

If you are reinstated or re-engaged by the Personnel Appeals Committee, you may return to the meeting step you were at in the sickness absence process, prior to your dismissal.

6. Annual leave and sickness

When you're off sick, you continue to accrue annual leave. This means that your annual leave builds up while you're off.

If you're on long term sickness that continues beyond the end of the annual year, you may not have been able to take your statutory annual leave (28 days, pro rata) during that year. If this happens, you can carry forward up to 20 days (pro rata) to the next annual leave year. Any leave carried over must be used within a maximum of 18 months.

You can ask to take accrued annual leave when you're off sick. However, in order that we can continue to follow your progress and understand any support required, you will still need to provide fit note to cover your absence if it's for more than 7 calendar days. Likewise, if you're on annual leave and become sick, and want to reclaim the annual leave that you've not been able to take, you must follow the normal sickness absence notification process and produce a fit note regardless of the length of the absence.

We think it's important that you take your annual leave and have the rest that you are entitled to. Please note therefore you will not be paid in lieu for any annual leave you've not been able to take, unless you are leaving the Council and unable to take this prior to leaving

Further details of annual leave and sickness is available in the Sickness Absence User Guide

7. Sick pay

In line with nationally agreed provisions, we offer enhanced levels of Occupational Sick Pay for qualifying employees and based on length of service. There are separately agreed schemes for Craft, Teachers and all other Council employees.

If you don't have the minimum length of service required when you go off sick, then you won't be entitled to any Occupational Sick pay for that absence. If you don't qualify for Occupational Sick Pay, you may still be entitled to a Statutory Sick Pay payment.

Sick pay includes any contractual working time payments and any contractual overtime you get. It doesn't include casual overtime and stand-by duty.

Full details of Occupational Sick Pay schemes and entitlements are available in the Sickness Absence User Guide.

Absences covered by this policy do not affect your entitlement to a pay step.